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ably, we are to understand, in addition to whatever satisfaction may be required under the verdict regarding the claim which was the basis of the wager.

This conclusion prompts a further small remark based on the consideration of Roman procedure—for a single talent—the value of one cow—seems a small sum of damages. It has a formal sound. The procedure by wager and affirmation (*sacramentum*) appears to be Indo-European in origin, and certain of its quaint forms as well as its known history point to an early recognition of it in the Roman community. Therefore there is of course much force in the citation of apparent parallels between early Roman and early Greek procedure of this sort. In the Roman *actio per sacramentum*, the amount staked by the litigants was a formal sum, bearing no sufficiently commensurate relation to the actual value at issue (cf. the single *as* with which the steelyards were struck in *mancipatio*), and this whether the stakes were paid over to the successful litigant, or, as in some cases, diverted to sacred uses as costs of court. The stakes originally were perhaps of the real value at issue, but they early ceased to be so. Is it not probable that the Homeric trial-scene represents a similar stage of development in procedure, and that the single talent forfeited by the loser is symbolic rather than actually corresponding to an award of damages, exemplary or otherwise? With regard to the meaning of *ἰστωρ* also (*loc. cit.*, p. 27), Roman procedure may well be cited. The issue in procedure *per sacramentum* was joined before the praetor, by whom the adjudication was referred to a single *iudex* or *arbiter*, to a commission of *recuperatores*, or to the centumviral court. Is it not possible that the *ἴστωρ* corresponds to the praetor, the *γέροντες* to the judicial body?

E. T. M.

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#### XOPOY IN TERENCE'S HEAUTON

Scholars have recently been engaged in a diligent search for new act conclusions in Plautus, Terence, and the fragments of the *Néa*. One instance, which has hitherto escaped observation, occurs in the *Heauton* v. 170 and disposes of the only place in Terence where the stage was apparently left vacant in the middle of a scene. This new instance involves other consequences of considerable importance, as I hope to point out in the near future.

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